

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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April 20, 2023

**Via ECF**

The Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States v. Jimoh Aderomilehin  
20 Cr. 3-17 (KPF)**

Dear Judge Failla,

We write on behalf of Mr. Aderomilehin to respectfully request that the Court issue an amended judgment in this case waiving interest on Mr. Aderomilehin's restitution obligation. The Government takes no position on this request.

On October 5, 2022, the Court sentenced Mr. Aderomilehin and entered an order of restitution in the amount of \$1,029,754.66, which was docketed on October 12, 2022. *See* Doc. 403. While the Court did not impose a fine in this case, consistent with the Probation Department's determination that Mr. Aderomilehin did not have the ability to pay a fine (PSR ¶ 118), the judgment document entered by the Court reflects that Mr. Aderomilehin must pay interest on any restitution or fine of more than \$2,500. *See* Doc. 401 at 6; Sent. Tr. at 34:10. Such interest has been accruing since entry of these orders.

For the same reasons that the Court did not impose a fine in this case, we respectfully request that the Court issue an amended judgment and waive interest on Mr. Aderomilehin's restitution obligations pursuant to 18 U.S.C. § 3612(f)(3)(A). Section 3612(f)(3)(A) permits the Court to waive the requirement for interest on restitution obligations "if the [C]ourt determines that the defendant does not have the ability to pay interest." The Court has the authority to waive such interest post-sentencing. *See United States v. Phillips*, 9 F.4th 382 (6th Cir. 2021) (recognizing district court's authority and jurisdiction to waive interest on restitution post-sentencing); *cf. United States v. Laurensen*, 648 F.3d 115, 117 (2d Cir. 2011) (denying post-sentencing request to waive delinquency and default penalties while noting that "Congress granted district courts the power to waive or modify interest obligations, while granting only the Attorney General the authority to waive all or part of delinquency and default penalties").

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As such, we respectfully request that the Court enter an amended judgment waiving interest on Mr. Aderomilehin's restitution obligations.

We thank the Court for its consideration of this request.

Respectfully submitted,  
/s/ Neil Kelly  
Neil P. Kelly  
Assistant Federal Defender  
(212) 417-8744

cc: AUSA Alexander Li

Application GRANTED. The Court will issue an amended judgment under separate cover pursuant to Fed. R. Crim. P. 36.

The Clerk of Court is directed to terminate the motion at docket entry 454.

Dated: April 21, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE